

Message Text

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11

ACTION IO-10

INFO OCT-01 ISO-00 DHA-02 AF-06 ARA-06 EA-07 EUR-12 NEA-10

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E.O. 11652: N/A

TAGS: UNGA, SHUM, SGEN, SOCI

SUBJ: THIRD COMMITTEE--SECRETARY'S INITIATIVE ON TORTURE

REF: STATE 257758

1. SUMMARY. IN RESPONSE TO CONCERNS EXPRESSED BY MAJORITY OF WEO MEMBERS ABOUT PRESENTING DRAFT DECLARATION AND SECRETARY'S WORKING GROUP INITIATIVE IN SAME RES, US DEL AGREED, PURSUANT TO AUTHORITY GIVEN IN REFTEL, TO PUT WORKING GROUP INITIATIVE IN SEPARATE RES. THIS TEXT WILL BE REPEATED AT END OF THIS MESSAGE. END SUMMARY.

2. NETHERLANDS REP BEGAN TWO-HOUR LONG DISCUSSION BY REVIEWING SUGGESTIONS FOR DRAFTS UNDER THIS ITEM. HE STATED THAT ABSOLUTE PRIORITY SHOULD BE GIVEN ADOPTION OF DRAFT DECLARATION AS FORWARDED TO THE GA IN THE REPORT OF THE CRIME CONGRESS. IN ADDITION, HE EXPRESSED CONCERN THAT OTHER INITIATIVES TAKEN WOULD NOT HINDER ADOPTION OF DRAFT DECLARATION. HIS POSITION WAS REPEATED IN GENERAL TERMS BY DELS OF NORWAY, AUSTRIA, FRG, ITALY, AND OTHERS. BEHIND THESE COMMENTS LAY AN APPREHENSION THAT THE SECRETARY'S INITIATIVE MIGHT NOT BE ADOPTED BY THE COMITE, AND IN FAILING ADOPTION, WOULD BRING DOWN THE DRAFT DECLARATION WITH IT.

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3. US DEL EXPLAINED POSITION OF USG AS FOLLOWS. THE US AGREED THAT A PRIORITY BE GRANTED TO THE DECLARATION ITSELF, AND TO THIS END IS WILLING TO PUT FORWARD THE WORKING GROUP INITIATIVE AS A SEPARATE PROPOSAL. THE US UNDERSTANDS THAT THE WORKING GROUP PROPOSAL IS MORE PROGRESSIVE THAN MOST OF THE RESES ADOPTED ON HUMAN RIGHTS, BUT BELIEVES VERY STRONGLY THAT MAKING PROGRESSIVE PROPOSALS IS IN THE FINEST TRADITION OF THE WESTERN COUNTRIES AND THAT WE BELITTLE OURSELVES IF WE ARE AFRAID TO PROPOSE SUCH RESES MERELY BECAUSE THEY WILL MEET OPPOSITION FROM THOSE COUNTRIES THAT HAVE THE MOST TO HIDE IN THE AREA OF HUMAN RIGHTS. FURTHER, THE US BELIEVES THAT THE PROGRESSIVE NATURE OF THE WORKING GROUP PROPOSAL IS SUCH THAT THOSE COUNTRIES HOPING TO AVOID ANY PROGRESS ON THE ISSUE OF TORTURE AT THIS GA WILL BE INCLINED TO CONCENTRATE THEIR OPPOSITION ON THE FAR-REACHING WORKING GROUP RES BUT THAT IN ITS ABSENCE THIS OPPOSITON WOULD MERELY BE CONCENTRATED ON THE DECLARATION. THE NET EFFECT THEN OF THE US PROPOSAL IS TO ENHANCE THE POSSIBILITIES OF ADOPTION OF THE DECLARATION AND TO MOVE BEYOND IT.

4. ANOTHER MEETING ON THIS SUBJECT WILL BE HELD EARLY NEXT WEEK. AUSTRALIA HAS BEEN ENLISTED AS A COSPONSOR, AND US DEL IS NOW CONCENTRATING ITS EFFORTS ON ENLISTING OTHERS. WITHIN THE WEO GROUP ITSELF LIKELY CANDIDATES INCLUDE NEW ZEALAND, SWEDEN, AND PERHAPS GREECE.

5. US DEL WILL CONTINUE BEING FORCEFUL IN MOVING THIS INITIATIVE AHEAD AND AS FLEXIBLE AS POSSIBLE IN MEETING THE CONCERNS OF OTHERS AND RESPONDING TO THE SITUATION IN COMITE AS IT DEVELOPS.

6. TEXT FOLLOWS:

QTE: THE GENERAL ASSEMBLY,

AWARE THAT ARTICLE 5 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND ARTICLE 7 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AFFIRM THAT NO ONE SHALL BE SUBJECTED TO TORTURE OR TO CRUEL, INHUMAN OR LIMITED OFFICIAL USE

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DEGRADING TREATMENT OR PUNISHMENT,

BEARING IN MIND AS WELL THAT UNDER ARTICLE 4 OF THE COVENANT NO DEROGATION FROM THIS RIGHT MAY BE MADE EVEN IN TIME OF PUBLIC EMERGENCY WHICH THREATENS THE LIFE OF THE NATION,

REAFFIRMING THE REJECTION IN RESOLUTION 3059(XXVIII) AND 3218(XXIX) OF ANY FORM OF TORTURE,

RECALLING THE DECISION OF THE SUBCOMMISSION ON THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES TO REVIEW ANNUALLY THE SITUATION CONCERNING THE HUMAN RIGHTS OF DETAINED OR IMPRISONED PERSONS,

DEEPLY CONCERNED AT THE CONTINUED REPORTS THAT TORTURE IS BEING PRACTICED IN MANY COUNTRIES IN THE WORLD, USING THE OVERWHELMING POWER OF GOVERNMENT NOT TO IMPROVE PEOPLE'S WELFARE BUT AS AN INSTRUMENT OF THEIR SUFFERING,

DETERMINED THAT THE ORGANIZED CONCERN OF THE WORLD COMMUNITY BECOME A POTENT WEAPON IN THE STRUGGLE AGAINST THIS ABHORRENT PRACTICE,

NOTING WITH SATISFACTION THE ADOPTION BY THIS GENERAL ASSEMBLY OF THE DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING PUNISHMENT AND CONVINCED OF THE NEED FOR TAKING PROMPT, PRACTICAL STEPS TO IMPLEMENT IT,

1. DECIDES TO ESTABLISH AN EXPERT WORKING GROUP OF NOT MORE THAN FIVE MEMBERS SERVING IN THEIR PERSONAL CAPACITY AND QUALIFIED BY THEIR COMPETENCE AND IMPARTIALITY TO BE APPOINTED BY THE SECRETARY-GENERAL TO:

A. STUDY THE NATURE AND EXTENT OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT AS IT EXISTS IN THE WORLD TODAY BY REVIEWING SUCH RELIABLE INFORMATION AS IS PRESENTLY AVAILABLE WITHIN THE UNITED NATIONS SYSTEM AND BY EXAMINING OTHER RELIABLE INFORMATION FROM GOVERNMENTS, FROM CONCERNED NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS WITH THE ECONOMIC AND SOCIAL COUNCIL, AND FROM EXPERTS LIMITED OFFICIAL USE

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AND WITNESSES AS THE WORKING GROUP SEES FIT;

B. CONSULT WITH GOVERNMENTS AS THE WORKING GROUP CONSIDERS NECESSARY CONCERNING ALLEGATIONS OF TORTURE IN ORDER TO MAKE IT POSSIBLE FOR THE POSITIONS OF THESE GOVERNMENTS AS REGARDS THESE ALLEGATIONS TO BE REFLECTED IN THE WORKING GROUP'S REPORT;

C. TAKE INTO CONSIDERATION THE WORK ON THIS SUBJECT BEING DONE BY THE SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES; AND,

D. REPORT THE RESULTS OF ITS STUDY OR PROGRESS THEREON TO THE THIRTY-FIRST SESSION OF THE GENERAL ASSEMBLY AND IN PARTICULAR TO IDENTIFY IN ITS FINAL OR PROGRESS REPORTS SUCH SITUATIONS AS MAY EXIST IN THE WORLD IN WHICH, IN THE OPINION OF THE EXPERT WORKING GROUP, THERE IS A PATTERN OF WIDESPREAD ACTS OF TORTURE CARRIED OUT BY OR

WITH THE KNOWLEDGE OR ACQUIESCENCE OF GOVERNMENTAL
AUTHORITIES;

2. INVITES MEMBER STATES TO EXTEND TO THE GROUP THEIR
COOPERATION IN ACCORDANCE WITH THE PROVISIONS OF THIS
RESOLUTION;

3. REQUESTS THE SECRETARY-GENERAL TO SUPPLY TO THE
WORKING GROUP ALL ASSISTANCE AS MAY BE NECESSARY TO ENSURE
THE EARLIEST INITIATION AND EFFECTIVE DISCHARGE OF ITS
WORK. UNQTE.
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